

MATTER OF YEUNG  
In Deportation Proceedings

A-15750231

*Decided by Board March 24, 1970*

- (1) A special inquiry officer has authority under current regulations to reopen deportation proceedings for the limited purpose of considering a new grant of voluntary departure to an alien who had permitted a prior grant of that privilege to expire; however, such authority does not empower a special inquiry officer to fix the departure time when authorizing voluntary departure anew.
- (2) While ordinarily voluntary departure should not be granted anew in crewmen cases in the absence of strong extenuating circumstances—such as the presence of close family relationships in this country or where it appears that the failure to depart was due to circumstances beyond the alien's control—, each case must be determined on its own facts, and in exercising discretion a special inquiry officer must appraise the factors which led to the delay. In the instant case, voluntary departure is granted anew by the special inquiry officer based upon his conclusion that respondent could reasonably have construed as extensions of voluntary departure time the Service letters advising him that he would be permitted to remain in the United States pending Congressional consideration of private bills introduced in his behalf.

CHARGE:

Order: Act of 1952—Section 241(a) (2) [8 U.S.C. 1251(a) (2)]—Nonimmigrant crewman—remained longer than permitted.

ON BEHALF OF RESPONDENT:

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(Brief submitted)

ON BEHALF OF SERVICE:

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(Brief submitted)

This appeal raises three questions: (1) whether a special inquiry officer has power under current regulations<sup>1</sup> to reopen deportation proceedings for the limited purpose of considering a

<sup>1</sup> 8 CFR 242.22; 8 CFR 244.1 and 244.2.